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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,035	09/19/2000	Manjiri S. Gadagkar	003239.P080	5478

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EXAMINER

MANIWANG, JOSEPH R

ART UNIT	PAPER NUMBER
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2144

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DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/665,035

Applicant(s)

GADAGKAR ET AL.

Examiner

Joseph R Maniwang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/19/00.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,8,11,13,14,19,20,22,23 and 25 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 6, 7, 9, 10, 12, 15-17, 21, and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 16 recites the limitation "the second VLAN" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 17 recites the limitation "the second VLAN" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 1, 4, 5, 8, 11, 13, 14, 19, 20, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNeill et al. (U.S. Pat. No. 6,167,052), hereinafter referred to as McNeill, and further in view of the IEEE Standard 802.1Q

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("IEEE Standards for Local and Metropolitan Area Networks: Virtual Bridged Local Area Networks", 1998, pp. 1-2, 23-36), hereinafter referred to as IEEE.

7. McNeill disclosed a method and system for establishing connectivity groups among various network entities. Regarding claims 1, 11, 19, 20, and 25, McNeill sought to allow for the creation of VLANs of different domains in a network by establishing connectivity groups (see column 2, lines 17-20). In creating a VLAN, both policy (e.g., MAC address) and port were considered. However, the method disclosed by McNeill allowed a port of a different policy to join a VLAN of another policy, basing the VLAN creation on the port itself (see column 2, lines 35-50). McNeill disclosed that it was well known that ports in a VLAN-capable switch utilized tags for restricting traffic (see column 1, lines 61-65; column 5, lines 40-48). Since the creation of VLANs was based on these VLAN-capable switch ports (see column 12, lines 40-53), it is inherent that the ports allowed membership to a VLAN in the method disclosed by McNeill constituted tag-only ports. Regarding claims 4, 13, and 22, McNeill also disclosed that a layer 2 domain might not include a VLAN-capable switch (see column 1, lines 65-67). McNeill disclosed the use of tags in VLAN-capable connections (see column 5, lines 40-48), implying that a non-VLAN capable domain would use untagged packets. Since McNeill disclosed the ability for a connectivity group to contain entities of different layer 2 domains (see column 2, lines 44-45), connection to a network using a policy associated with untagged frames as claimed was disclosed.

8. While the use of ports in a VLAN environment was disclosed, McNeill did not disclose details concerning the ability to change the tagging or filtering options on a

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port. Since McNeill sought to find a way to easily create/modify VLANs and facilitate establishing network connections (see column 2, lines 6-14), one of ordinary skill in the art would have been motivated to search related art for more ways to achieve this goal.

9. In a standard defining an architecture for VLANs, IEEE disclosed details concerning the ports on a VLAN device. The standard disclosed both a tagging and filtering parameter, and further stated that the ability to configure the value of the parameter was required (see section 8.4.3, 8.4.5).

10. It would have been obvious to one of ordinary skill in the art to consider adherence to the IEEE standard, and to combine the teachings of McNeill and IEEE to provide the ability to enable the port filtering or tagging option as claimed, since doing so would have facilitated easy creation/modification of VLANs as stated by IEEE (see p. 2, item b). In further adherence to the standard, one of ordinary skill in the art would have been motivated to incorporate such a feature in the invention of McNeill since IEEE required that such ability be present in VLAN devices, such as the ones used in the invention disclosed by McNeill.

Allowable Subject Matter

Claims 2, 3, 6, 7, 9, 10, 12, 15-17, 21, 22, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Haddock et al. (U.S. Pat. No. 6,104,700) disclosed a policy-based system for classifying network packets.

Viswanath et al. (U.S. Pat. No. 6,151,322) disclosed a multiport switch for processing tagged VLAN packets.

Fite, Jr. et al. (U.S. Pat. No. 6,252,888) disclosed a method and system for VLAN communications using tagged and untagged frames.

Srikanth et al. (U.S. Pat. No. 6,430,621) disclosed a method and system for creating VLANs based on port and filtering untagged packets.

Rijhsinghani et al. (U.S. Pat. No. 6,526,052) disclosed a network switch for use in port and protocol-based VLANs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R Maniwang whose telephone number is (703) 305-3179. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B Harvey can be reached on (703)305-9705. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER

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